

DOCKET NO. 2003.07.015.BN0  
U.S. SERIAL NO. 10/720,899

PATENT

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AUG 14 2007

Claims 1-20 were originally filed in the present application.

Claims 1-20 are pending in the present application.

Claims 1-20 were rejected in the June 18, 2007 Office Action.

No claims have been allowed.

Claims 1, 8 and 15 are amended herein.

Claims 1-20 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Sections 3 of the June 18, 2007 Office Action, the Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,925,068 to *Stanwood, et al.* (the "Stanwood '068 reference") in view of U.S. Patent No. 6,956,834 to *Stanwood, et al.* (the "Stanwood '834 reference"). Applicants respectfully disagree and traverse the Examiner's arguments in support of the rejection.

Claim 1 of the present application currently requires:

For use in a *point-to-multipoint wireless network*, a base station for transmitting downstream data packets in a downstream traffic channel to customer premises equipment (CPE) devices and receiving upstream data packets in an upstream traffic channel from said CPE devices,

wherein said base station is capable of *determining a queue status* of at least one queue associated with at least one application in each of said CPE devices *from a link management message associated with a wireless media access control (MAC) layer protocol*,

wherein said *queue status* is *at least one of: a queue priority and a traffic type* and, in response to said determination, said base station is capable of *re-allocating bandwidth from a first queue associated with a first CPE device to a second queue*. (emphasis added).

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Notably, Claim 1 of the present application currently requires that the base station *determines a queue status of at least one queue associated with at least one application in each of said CPE devices from a link management message associated with a wireless MAC layer protocol*. Based on the determination, Claim 1 requires that the base station is capable of *re-allocating bandwidth from a first queue associated with a first CPE device to a second queue*.

The Stanwood '068 reference, either alone or in any combination with the Standwood '834 reference, fails to teach or disclose, for example, *determining a queue status of at least one queue associated with at least one application in each of said CPE devices from a link management message associated with a wireless MAC layer protocol*, as currently required by Claim 1.

As an example, the Stanwood '834 reference, at the very most, teaches that the MAC does not police connection for bandwidth usage. The Stanwood '834 reference, column 20, lines 10 & 11. In other words, policing should be performed by higher control layers. *Id.* at column 20, lines 11 & 12. In fact, the Stanwood '834 reference teaches that the MAC assumes that all pending data has met contractual restrictions and can be transmitted. *Id.* at column 20, lines 12 & 13. In fact, although the Stanwood '834 reference teaches that the base station MAC maintains a set of queues for each physical channel it serves, within each physical layer channel queue set, the base station maintains a queue for each QoS. *Id.* at column 18, lines 63-67. There is, however, no teaching or disclosure within the Stanwood '834 reference of *determining a queue status of at least one queue associated with at least one application in each of said CPE devices from a link management message associated with a wireless MAC layer protocol*, as currently required by Claim 1 and its dependents.

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Moreover, there is no suggestion or motivation within either of the cited reference to prompt one of ordinary skill to selectively combine discrete elements from each and then *seek out* still others as currently required by Claim 1 and its dependents. Similar arguments hold true for independent Claims 8 and 15 (and their respective dependents).

Accordingly, the Applicants respectfully request that the §103 rejection to Claims 1-20 be withdrawn.

In Sections 4 of the June 18, 2007 Office Action, the Examiner rejected Claims 5-7, 12-14, 18-20 under 35 U.S.C. §103(a) as being unpatentable over the Stanwood '068 reference in view of U.S. Patent No. 6,683,866 to *Stanwood, et al.* (the "Stanwood '866 reference"). Applicants respectfully disagree and traverse the Examiner's arguments in support of the rejection.

Claims 5-7 depend from allowable Claim 1 and are also allowable as shown above. Similarly, Claims 12-14 depend from allowable Claim 8 and are also allowable as shown above. Likewise, Claims 18 and 19 depend from allowable Claim 15 and are also allowable as shown above.

In addition, the Stanwood '868 reference, either alone or in any combination with the Stanwood '866 reference, fails to teach or disclose, for example, *determining a queue status of at least one queue associated with at least one application in each of said CPE devices from a link management message associated with a wireless MAC layer protocol*, as currently required by Claim 1 and its dependents Claims 5-7. Similar arguments hold true for independent Claims 8 and 15 (and their respective dependents, Claims 12-14, 18 and 19).

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Accordingly, the Applicants respectfully request that the § 103 rejection to Claims 5-7, 12-14, 18-20 be withdrawn.

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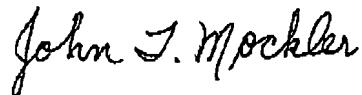
SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at [jmockler@munckbutrus.com](mailto:jmockler@munckbutrus.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: August 14, 2007

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